



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
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COOPERATION BETWEEN THE GOVERNING BODY AND THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE, AND COORDINATION OF THEIR FIELDS OF INTERGOVERNMENTAL WORK

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I. INTRODUCTION

1. In considering the relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture, the Governing Body, at its Second Session, requested that the Secretaries of the two bodies prepare a comprehensive paper identifying the repartition of their fields of intergovernmental work.¹

2. This document identifies and reviews the main areas of intergovernmental work on plant genetic resources for food and agriculture (PGRFA) of the Governing Body of the International Treaty (Governing Body) and of the Commission on Genetic Resources for Food and Agriculture (the Commission), with a view to identify areas of intergovernmental work that require coordination and ways to facilitate future cooperation. The document has been jointly prepared by the secretariats of the International Treaty and the Commission.

II. BACKGROUND

3. The International Treaty was the outcome of the review of the International Undertaking on Plant Genetic Resources, following Resolution 7/93 of the FAO Conference, which requested the Commission to adapt the International Undertaking in harmony with the Convention on Biological Diversity, including the issue of access on mutually agreed terms to plant genetic resources, and the issue of the realization of Farmers' Rights. The International Treaty on Plant Genetic Resources for Food and Agriculture was negotiated through the Commission, which upon the adoption of the International Treaty acted as its Interim Committee until the First Session of the Governing Body.

4. The International Treaty relates to all plant genetic resources for food and agriculture.² It is the only legally binding international agreement specifically dealing with PGRFA, and makes provisions, *inter alia*, for the sustainable use and the facilitated access to PGRFA and the equitable sharing of benefits arising from their utilization. The Commission's mandate, since 1995, covers "all components of biodiversity of relevance to food and agriculture".³ The Commission is the only intergovernmental body specifically addressing all components of biodiversity for food and agriculture.

5. The Governing Body of the International Treaty is the highest organ of the Treaty. Composed of all Contracting Parties, its basic function is to promote the full implementation of the Treaty, and, in particular, to provide policy direction and guidance to monitor, and adopt such recommendations as necessary for the implementation of the Treaty and, in particular, for the operation of the Multilateral System.

6. The Commission has a coordinating role and deals with sectoral and cross-sectoral matters related to the conservation and sustainable use of genetic resources of relevance to food and agriculture. It recommends such measures as may be necessary or desirable to ensure the development, as appropriate, of a comprehensive global system or systems on genetic resources of relevance to food and agriculture in harmony with other relevant international instruments.

¹ IT/GB-2/07/Report, paragraph 81.

² Article 3.

³ FAO Conference Resolution 3/95.

7. Given the respective mandates of the Governing Body and the Commission, there is a need for close cooperation and for coordination of their activities in the area of plant genetic resources for food and agriculture.

III. COOPERATION BETWEEN THE GOVERNING BODY AND THE COMMISSION

8. The Governing Body and the Commission have repeatedly emphasized the necessity for close cooperation and coordination:

9. The Governing Body, at its First Session, stressed the need to develop close cooperation with the Commission, underlining the need to promote coherence and mutual supportiveness between the two bodies, including through the exchange of information.⁴

10. The Commission, at its Eleventh Regular Session, recommended that, in order to avoid duplication of efforts, and subject to the decisions of the Governing Body, a cooperation mechanism between the Commission and the Governing Body of the International Treaty be established, including in relation to work on the supporting components of the International Treaty. The Commission supported the development of a joint statement of intention regarding long-term cooperation between the two secretariats.⁵ The Commission also adopted a Multi-Year Programme of Work (MYPOW) which foresees a review of the Commission's cooperation with the International Treaty for its Thirteenth Session (2010/2011),

11. In response to the Commission's request, the secretariats of the Governing Body and of the Commission jointly prepared a *Draft Joint Statement of Intent for Cooperation between the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture and the Commission on Genetic Resources for Food and Agriculture* (Draft Joint Statement). The Governing Body, at its Second Session reviewed and adopted the Draft Joint Statement and invited the Commission to adopt it at its next Session. The next Regular Session of the Commission will be held in October 2009. The Draft Joint Statement, as revised by the Governing Body, is given in the *Appendix*. It addresses, in its first part, areas and modalities of cooperation between the Commission and the Governing Body.

12. As part of the ongoing cooperation and coordination between the Governing Body and the Commission, the Bureaus of both Bodies held a joint meeting on 20 February 2008. Members of both Bureaus stressed the need for cooperation between the Commission and the Governing Body and their Secretariats. They also stated that "the Draft Joint Statement offers an appropriate basis for cooperation between the two bodies", and welcomed their Secretariats' decision to cooperate *ad interim* on the basis of the draft joint statement until both bodies have agreed on a Joint Statement.⁶

13. Regular sessions of the Commission and the Governing Body should, as far as possible, be held back-to-back.⁷ Accordingly, the Commission, at its Eleventh Session, requested that

⁴ IT/GB-1/06/Report, paragraph 43.

⁵ CGRFA-11/07/Report, paragraph 75-76.

⁶ At its Second Session, the Governing Body had revised the draft *Joint Statement of Intent for Cooperation between the Governing Body of The International Treaty on Plant Genetic Resources for Food and Agriculture and the Commission on Genetic Resources for Food and Agriculture* and "adopted the draft joint statement of intention...., and invited the Commission to also adopt it at its next session". IT/GB-1/07/Report, paragraph 82.

⁷ See Article 19.9.

sessions of the Commission be organised, as far as practicable, back to back with those of the International Treaty.⁸

IV. COORDINATION OF INTERGOVERNMENTAL WORK BETWEEN THE GOVERNING BODY AND THE COMMISSION

14. Both the Governing Body and the Commission have recognized the necessity of coordinating their activities and enhancing close cooperation, especially where their respective mandates intersect in the promotion of the conservation and sustainable use of PGRFA. This will, *inter alia*, ensure policy coherence in the international governance of PGRFA, avoid duplication of efforts and promote the continuous development of effective global mechanisms and systems.

15. The development of a Global System on Plant Genetic Resources began in 1983 with the establishment of the Commission. The Global System comprises international agreements, a variety of codes of conduct, scientific standards and, technical mechanisms for plant genetic resources for food and agriculture. Two of the key elements of the Global System include: *The State of the World's Plant Genetic Resources for Food and Agriculture* (State of the World); and *the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture* (Global Plan of Action).

16. A number of the elements of the Global System, are under the guidance of the Commission, and are given specific roles in the text of the Treaty itself, as “Supporting Components” of the Treaty.⁹

17. At its Eleventh Regular Session, the Commission identified and adopted the major outputs and milestones to be addressed in its Multi-year Programme of Work, over its next five sessions. It emphasized the importance of cooperation with the Governing Body and requested its Secretary to transmit the Multi-year Programme of Work to the Secretary of the Governing Body, and invite him to inform the Governing Body, in order to facilitate the planning of the work of the two bodies.¹⁰

18. The Commission set the review of cooperation with the International Treaty as one of the Major Outputs and Milestones for its Thirteenth Session. The Governing Body may, therefore, take this into account in reaching any decisions on co-ordination with the Commission.

19. In this context, key areas of coordination of intergovernmental work between the Governing Body and the Commission include matters related to: the support for the conservation and sustainable use of plant genetic resources; access and benefit sharing; information systems on plant genetic resources; mobilization of financial resources for plant genetic resources.

IV.1. The State of the World's Plant Genetic Resources for Food and Agriculture

20. *The State of the World's Plant Genetic Resources for Food and Agriculture* is the first ever comprehensive worldwide assessment of the status of plant genetic diversity, and capacities at the local and global levels for *in situ* and *ex situ* management, conservation and utilization of plant genetic resources. The report was presented to the Fourth International Technical Conference held in Leipzig, Germany, in June 1996.

⁸ CGRFA-11/07/Report, paragraph 78.

⁹ PART IV of the Treaty.

¹⁰ CGRFA-11/07/Report, paragraph 94.

21. Article 17.3 of the Treaty provides that:

“Contracting Parties shall cooperate with the Commission on Genetic Resources for Food and Agriculture of the FAO in its periodic reassessment of the state of the world’s plant genetic resources for food and agriculture in order to facilitate the updating of the rolling Global Plan of Action referred to in Article 14.”

22. At its Eleventh Regular Session, the Commission adopted a ten-year Multi-Year Programme of Work that covers all components of biological diversity of interest to food and agriculture. The Multi-Year Programme of Work contains three main milestones dealing with plant genetic resources: the preparation of a second, updated *State of the World* (12th Session), the subsequent updating of the *Global Plan of Action* (13th Session) and the preparation of a third, updated *State of the World* (16th Session). With regard to the second *State of the World*, the Commission, at its Eleventh Regular Session, reiterated that a high quality updated *State of the World* would provide a sound basis for the updating of the rolling *Global Plan of Action*, which would contribute to the implementation of the International Treaty.¹¹

23. Although the Governing Body is not directly involved in the preparation of *The State of the World*, which is overseen by the Commission, the Treaty assigns an important role to the periodic reassessment of this document for the updating of the rolling *Global Plan of Action*.¹² The Governing Body, at its First Session, emphasized the need to avoid duplication of efforts, especially in the light of the preparations by the Commission for the second *State of the World*.¹³

24. In response to a request of the Commission,¹⁴ the Governing Body, at its Second Session, was informed about the process regarding the updating of *The State of the World*, and of the *Global Plan of Action*.¹⁵ The Governing Body requested all Contracting Parties to cooperate in the updating of *The State of the World*, in order to facilitate the updating of the *Global Plan of Action*.¹⁶

25. The draft updated *State of the World* will be presented to the fourth session of the Commission’s Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture which will be held in July 2009. Subsequently, the updated *State of the World* will be presented to the Eleventh Regular Session of the Commission (19-23 October 2009).

26. Because of the importance of the *State of the World* to the Treaty, the Governing Body may wish to encourage Contracting Parties to provide comments or suggestions on the draft updated *State of the World*. The Governing Body may also wish to consider how it may directly contribute to the process of future revisions or updates of the report. The Commission’s Multi-Year Programme of Work foresees the next, third update of *The State of the World* for the Sixteenth Regular Session of the Commission.

¹¹ CGRFA-11/07/Report, paragraph 39.

¹² See article 17.3 of the Treaty.

¹³ IT/GB-1/06/Report, paragraph 25.

¹⁴ CGRFA-11/07/Report, paragraph 42.

¹⁵ IT/GB-2/07/16, paragraphs 13-21.

¹⁶ IT/GB-2/07/Report, paragraph 79.

IV.2. Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture

27. Article 14 of the Treaty recognizes that:

“the rolling Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture is important to this Treaty [and that] Contracting Parties should promote its effective implementation, including through national actions and, as appropriate, international cooperation to provide a coherent framework, inter alia, for capacity building, technology transfer and exchange of information.”

28. The *Global Plan of Action* comprises a set of activities covering capacity-building, and the *in situ* and *ex situ* conservation of plant genetic resources. It is a rolling plan that is monitored, reviewed and updated by the Commission. The rolling *Global Plan of Action* was formally adopted by representatives of 150 countries at the Fourth International Technical Conference on Plant Genetic Resources, where it was decided that overall progress in the implementation of the *Global Plan Of Action* and of the related follow-up process would be monitored and guided by the national governments and other Members of FAO through the Commission.¹⁷

29. At its Eleventh Regular Session, the Commission requested that FAO submit to its next Regular Session a proposed plan for the process of updating the rolling *Global Plan of Action* and agreed that the updated rolling *Global Plan of Action* would be considered at the Commission’s Thirteenth Regular Session, on the basis of the updated *State of the World*.¹⁸

30. At its Eleventh Regular Session, the Commission recommended that, in order to avoid duplication of efforts, and subject to the decisions of the Governing Body of the International Treaty, a cooperation mechanism between the Commission and the Governing Body be established,¹⁹ including in relation to work on the supporting components of the International Treaty, in particular the *Global Plan of Action*, the Facilitating Mechanism, and the further implementation of the new monitoring approach.²⁰

31. The Governing Body may wish to consider if, and how, it might participate in and contribute to the updating of the *Global Plan of Action*, in a manner that ensures coherence with the implementation of the Treaty, avoids duplication of efforts and that takes into account the provisions of the Treaty and the needs of its Contracting Parties. Possible elements of a decision by the Governing Body in this regard are contained in section V of this document.

IV.3. International Plant Genetic Resources Networks

32. The Treaty under Article 16.1 provides that:

Existing cooperation in international plant genetic resources for food and agriculture networks will be encouraged or developed on the basis of existing arrangements and consistent with the terms of this Treaty, so as to achieve as complete coverage as possible of plant genetic resources for food and agriculture.

¹⁷ ITCPR/96/REP, paragraph 21.

¹⁸ CGRFA-11/07/Report, paragraph 41.

¹⁹ I.e., the draft Joint Statement of Intent, as contained in the *Appendix* to this document

²⁰ CGRFA-11/07/Report, paragraph 27.

33. Within the context of the FAO Global System and priority activity area 16 of the *Global Plan of Action*, the Commission promotes the development of crop, regional, and thematic networks. A detailed study of existing international plant genetic resources for food and agriculture was carried out as background information on this subject.²¹

34. At its Tenth Regular Session, the Commission “considered the criteria for, and characteristics of, effective and efficient crop, regional and thematic networks, as well as the process initiated by the Secretariat regarding the further contribution of networks in the implementation of the Global Plan of Action.” It agreed that support for the functioning of effective networks, and strengthening of collaboration among networks, should be promoted, and that case studies on successful networks should be made available. To this end FAO reviewed and updated the inventory of the networks in 2005.

35. The Secretariat of the Governing Body has continued to collaborate with several International Plant Genetic Resources Networks in a number of activities, including in the context of the Joint Programme on Capacity-building between the Secretariat, FAO and Bioversity International. These include the Southern African Development Community’s Plant Genetic Resources Centre (SPGRC), the European Cooperative Programme for Plant Genetic Resources (ECPGR), the Eastern African Plant Genetic Resources Network (EAPGREN), the Regional Cooperation for Southeast Asia on Plant Genetic Resources (RECSEA, PGR), the Arab Organization for Agricultural Development (AOAD), and the Pacific Agricultural Plant Genetic Resources Network (PAPGREN) of the South Pacific Community. These networks and organizations also maintain links or collaborate actively with the Commission and its Secretariat.

36. The Governing Body may wish to consider how best to coordinate with the Commission so that their respective work and relationships with the relevant networks are coordinated to achieve greater coherence and efficiency and avoid duplication of efforts. Possible elements of a decision by the Governing Body in this regard are contained in section V of this document.

IV.4. Genebank Standards

37. In the context of the ex situ collections held by IARCs, the Treaty provides that:

*The scientific and technical facilities in which such ex situ collections are conserved shall remain under the authority of the IARCs, which undertake to manage and administer these ex situ collections in accordance with internationally accepted standards, in particular the Genebank Standards as endorsed by the FAO Commission on Genetic Resources for Food and Agriculture.*²²

38. The Commission’s Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture (ITWG-PGR), at its Third Session, suggested to the Commission that the Commission continue to provide technical assistance to the International Network of Ex situ collections, particularly in relation to monitoring and updating Genebank Standards to be used by such international centres.²³

39. These Genebank Standards were adopted in 1993 and have not undergone any formal revision since then. There are currently numerous ongoing initiatives and projects for the conservation of PGRFA under the Treaty, at the national, regional and international levels.

²¹ Background Study Paper No. 16, *A summary and analysis of existing international plant genetic resources networks*, by Electra Kalaugher and Bert Visser. Available at: <http://www.fao.org/nr/cgrfa>

²² Article 15.1d.

²³ Document CGRFA/WG-PGR-3/05/2 Rev.1, paragraph 23.

Updating these guidelines, in co-ordination with the Commission, the International Agricultural Research Centres, the Global Crop Diversity Trust and other relevant organizations would be useful in ensuring that plant genetic resources for food and agriculture in the Multilateral System are conserved under conditions that meet recognized and appropriate standards, based on current and available technological and scientific knowledge.²⁴ Possible elements of a decision by the Governing Body in this regard are contained in section V of this document.

IV.5. International Code of Conduct for Plant Germplasm Collecting and Transfer

40. The International Code of Conduct for Plant Germplasm Collecting and Transfer aims to promote the rational collection and sustainable use of genetic resources, to prevent genetic erosion, and to protect the interests of both donors and collectors of plant germplasm. The Code was negotiated by the Commission and adopted by the FAO Conference, at its Twenty Seventh Session in 1993.²⁵

41. Together with national authorities, the Commission is mandated to further periodically review the relevance and effectiveness of the Code. Furthermore, as stated in Article 16 of the Code, it may be desirable to develop at a suitable time and under the auspices of the Commission, procedures for monitoring and evaluating the observance of the Code.²⁶

42. At the second session of the Commission's Inter-governmental Technical Working Group on Plant Genetic Resources, Members noted the continued usefulness of the various elements of the Code of Conduct, including in developing national legislation. The Commission, at its Tenth Regular Session;

*endorsed the recommendation made by the Working Group, that, in light of other priorities in the work of the Commission and in the development of the International Treaty, it was inappropriate, at present, to update the Code of Conduct, while noting that consideration of the Code remained on the Commission's agenda.*²⁷

43. Article 12.3.h of the Treaty provides that Contracting Parties,

without prejudice to the other provisions under this Article, [...] agree that access to plant genetic resources for food and agriculture found in in situ conditions will be provided according to national legislation or, in the absence of such legislation, in accordance with such standards as may be set by the Governing Body.

44. In the context of the Article 12.3.h, and the potential relevance of the Code of Conduct to the broader implementation of the Treaty,²⁸ and in order to avoid duplication of efforts, the Governing Body may wish to consider whether to participate in or contribute to the revision of the Code of Conduct. Possible elements of a decision by the Governing Body in this regard are contained in section V of this document.

²⁴ For instance Bioversity International, the International Livestock Research Institute, the Technical Centre for Agricultural and Rural Cooperation, and FAO jointly developed a "Manual of Seed Handling in Genebanks", for genebank curators and others working in genebanks.

²⁵ C 1993/REP, paragraph 113 and Appendix E.

²⁶ Article 16 of the Code.

²⁷ Paragraph 31 of Document CGRFA-10/04/REPORT <ftp://ftp.fao.org/ag/cgrfa/cgrfa10/r10repe.pdf>

²⁸ See also paragraphs 29 – 31 of Document IT/GB-3/09/13, *Review of the Implementation of the Multilateral System*.

IV.6. The Global Information System on Plant Genetic Resources for Food and Agriculture

45. Article 17.1 of the International Treaty states that
“the Contracting Parties shall cooperate to develop and strengthen a global information system to facilitate the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture, with the expectation that such exchange of information will contribute to the sharing of benefits, by making information on plant genetic resources for food and agriculture available to all Contracting Parties.”
46. FAO’s World Information and Early Warning System (WIEWS), which is overseen by the Commission, is a worldwide dynamic mechanism to foster information exchange among FAO Members. WIEWS also establishes the national information sharing mechanisms. By gathering and disseminating information on PGRFA, WIEWS also supports the periodic assessment of *The State of the World’s Plant Genetic Resources for Food and Agriculture*.
47. At its Eleventh Regular Session, the Commission stated that the WIEWS should be further developed in the context of developing the Global Information System on PGRFA in the International Treaty. It expressed its willingness to work with the Governing Body for this purpose. The Commission further invited the Governing Body to consider utilizing national information sharing mechanisms established through WIEWS, as contributions to the development of its Global Information System.²⁹
48. The Secretariat has, since the First Session of the Governing Body, been consulting with key stakeholders on how best to develop or improve the coverage of information systems so as to achieve more harmonious interconnections and, where possible, integration between existing systems to facilitate easy access, efficiency, and ease of use.
49. In the context of two consultations on information technology tools for implementation of the Multilateral System of Access and Benefit-sharing that the Secretariat organized, participants from international, regional and national genebank networks asked the Secretariat to develop a vision paper to take stock of existing information systems on PGRFA, and outline a process for the development of the Global Information System foreseen in Article 17 of the Treaty. The Secretariat was requested to convene an informal focus group as a forum to review the paper and develop strategies for making visible the PGRFA brought into the MLS by Contracting Parties, International Institutions, and natural and legal persons, within the Global Information System. Furthermore, it was envisaged that the focus group would develop strategies to assist small Providers of PGRFA into the Global Information System, and identify the need for capacity building, and explore ways from providing it.
50. In the context of Article 17.1, and in order to avoid duplication of efforts, the Governing Body may wish to encourage FAO, Contracting Parties, and all relevant stakeholders to continue to cooperate and coordinate in the development of information systems, and to take advantage of existing systems and capacities, where appropriate. Possible elements of a decision by the Governing Body in this regard are contained in section V of this document.

IV.7. Other Policy Issues related to the specificity of plant genetic resources for food and agriculture or their uses

51. The scope of the Treaty is all PGRFA, but its Multilateral System of Access and benefit-sharing covers only the crops listed in *Annex I* to the Treaty.

²⁹ Document CGRFA-11/07/Report, paragraph 37.

52. By Article 19.3a of the Treaty, the Governing Body provides policy direction and guidance to monitor, and adopt such recommendations as necessary for the implementation of this Treaty and, in particular, for the operation of the Multilateral System.

53. The Multilateral System of the Treaty allows access to the crops in *Annex I* of the Treaty “solely for the purpose of utilization and conservation for research, breeding and training for food and agriculture, provided that such purpose does not include chemical, pharmaceutical and/or other non-food/feed industrial uses”.³⁰

54. Under the Multi-year Programme of Work, the Commission has identified as a cross-sectorial matter to be considered at its forthcoming Twelfth Regular Session, the “Consideration of policies and arrangements for access and benefit-sharing for genetic resources for food and agriculture”. The Commission also

*“agreed on the importance of considering access and benefit-sharing, in relation to all components of biodiversity for food and agriculture.”*³¹

55. In light of the Commission’s Multi-year Programme of Work, and in order to promote policy coherence and avoid duplication of efforts, the Governing Body may wish to consider how it might coordinate with the Commission to contribute to further work on access and benefit-sharing for other crop resources in order to ensure that the distinctive features and problems of the plant genetic resources sector in general are duly addressed. Possible elements of a decision in this regard are contained in section V of this document for consideration by the Governing Body.

IV.8. Funding Strategy

56. At its First Session, the Governing Body adopted the Funding Strategy for the Implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture. The Funding Strategy provides that:

*“Cooperation between the Governing Body and the Commission on Genetic Resources for Food and Agriculture should, as appropriate, facilitate the implementation of the supporting components of the Treaty, in particular, the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture.”*³²

57. The Funding Strategy further provides in paragraph 13 that

“Information on the mandates, policies, eligibility criteria and procedures of such funding bodies will be collected and maintained by the Secretariat of the International Treaty and made available to Contracting Parties through the website of the Treaty. The facilitating mechanism for the implementation of the Global Plan of Action could complement this activity by collecting and providing information on relevant available funds from the Parties.”

58. In adopting its Funding Strategy, the Governing Body requested the Commission

“to support the development of the Funding Strategy, in the context of its work in relation to the supporting components of the Treaty, including the Global Plan of Action for the

³⁰ Article 12.3 of the Treaty.

³¹ Paragraph 71 of Document CGRFA-11/07/Report

³² Paragraph 15.

Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture *and its Facilitating Mechanism.*”³³

59. At its Eleventh Regular Session, the Commission

welcomed the progress made in the development of the web portal of the Facilitating Mechanism for the implementation of the Global Plan of Action, which provides easily accessible information on available funding sources related to plant genetic resources, and other relevant information for the implementation of the Plan. It encouraged countries to provide extrabudgetary resources to carry out the agreed activities, in particular for the further development of the web portal and assistance to stakeholders to develop project proposals. It requested the Secretariat to report on progress with the Facilitating Mechanism at the next Session of the Commission. The activities undertaken should be reported to the Governing Body of the International Treaty, for its consideration in the context of the Funding Strategy.

60. The Commission is currently developing a Funding Strategy for the implementation of the *Global Plan of Action for Animal Genetic Resources*,³⁴ to be adopted at its Twelfth Regular Session. The Secretariat of the Commission consulted extensively with the Secretariat of the Governing Body in the process of developing this Funding Strategy in order to learn from the experience and lessons of the development and implementation of the Treaty’s Funding Strategy.

61. Taking into account the potential usefulness to Contracting Parties of the information available under the Facilitating Mechanism, and the need to avoid duplication of efforts as well as potential areas of coordination in the context of the Funding Strategy for the implementation of the *Global Plan of Action for Animal Genetic Resources*, possible elements of a decision by the Governing Body in this regard are contained in section V of this document.

IV.9. FAO Reform Process

62. FAO is undergoing a reform process following the Report of the Independent External Evaluation of FAO (IEE Report), the outcomes of which might have implications for both the implementation of the Treaty and the administration of the Secretariats of both the Governing Body and the Commission, given the close links between mandates of these two bodies. Both Secretariats have also been requested to continue to monitor the process and report to them accordingly, while continuing to be involved in the relevant IEE discussions, processes and consultations. A detailed update on the process is contained in Document IT/GB3-09/19 *Matters arising from the Report of the Independent External Evaluation of FAO related to the Treaty.*

³³ IT/GB-1/06/Report, paragraph 17.

³⁴ Adopted by the International Technical Conference on Animal Genetic Resources for Food and Agriculture held in Interlaken Switzerland in September 2007. The Report is available on the internet at: http://www.fao.org/ag/againfo/programmes/en/genetics/ITC_docs.html

V. POSSIBLE ELEMENTS OF A DECISION BY THE GOVERNING BODY

63. The possible elements of decisions identified in this document are listed below, and the Governing Body may wish to:

Cooperation with the Commission

- i) *Request* the Secretary to continue to foster close cooperation with the Secretary of the Commission in the implementation of the Treaty, especially the Supporting Components and related activities;
- ii) *Request* its Secretariat to continue cooperating with the Secretariat of the Commission *ad interim* on the basis of the Joint Statement pending its adoption by the Commission;
- iii) *Recall* Article 19.9 of the Treaty and the decision of the Commission at its Eleventh Regular Session requesting its Secretariat to organise sessions of the Commission, as far as practical, back-to-back with those of the Governing Body of the International Treaty;³⁵ and *Request* the Secretary to explore with the Secretary of the Commission, the feasibility and modalities of holding the Fourth Session of the Governing Body back-to-back with the 13th Regular Session of the Commission, and any other future sessions of both bodies, and invite the Commission to direct its Secretariat accordingly;
- iv) *Encourage* the Bureaus of the Governing Body and the Commission, whenever possible, to hold joint meetings to coordinate the agendas of both bodies, as appropriate;

The State of the World's Plant Genetic Resources for Food and Agriculture

- v) *Welcome* the preparation of the draft updated *State of the World's Plant Genetic Resources for Food and Agriculture* and look forward to its finalization;
- vi) *Invite* Contracting Parties to continue to actively participate in the process for the finalization of the updated *State of the World's Plant Genetic Resources for Food and Agriculture*, including, in particular, by providing any necessary additional information to FAO and comments on the draft prepared by FAO;
- vii) *Invite* Contracting Parties to give adequate recognition to the findings of the updated *State of the World's Plant Genetic Resources for Food and Agriculture*, in their relevant policies, programmes and activities, paying particular attention to relevant specific recommendations;
- viii) *Invite* the Commission on Genetic Resources for Food and Agriculture to include in future revisions or updates of *The State of the World's on Plant Genetic Resources for Food and Agriculture* information on the implementation of the provisions of the Treaty, in particular, Articles 5, 6 and 9 of the Treaty, and coordinate, as appropriate with the Governing Body;

³⁵ Paragraph 78 of Document CGRFA-11/07/Report.

Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture

- ix) *Invite* the Commission, in the revision of the *Global Plan of Action*, to take into account specific issues of relevance to the Treaty and to adequately reflect the provisions of the Treaty in the *Global Plan of Action*;
- x) *Invite* the Bureaus of the two Bodies to hold a joint meeting to review the first draft updated *Global Plan of Action*;
- xi) *Invite* Contracting Parties to participate actively in the process for the updating of the *Global Plan of Action*, in particular, by providing any necessary information to FAO and comments on any draft prepared by FAO;
- xii) *Request* Contracting Parties that are also Members of the Commission, in their discussions of the revision of the *Global Plan of Action* under the Commission, to ensure that issues of relevance to the Treaty and its implementation are adequately taken into account;
- xiii) *Request* the Secretary to continue coordinating with the Secretary of the Commission and FAO in the processes related to the updating of the *Global Plan of Action*.

International Plant Genetic Resources Networks

- xiv) *Recognize* the important role that International Plant Genetic Resources Networks can play in the implementation of the Treaty and decisions of the Governing Body;
- xv) *Request* Contracting Parties to continue supporting the functioning of effective networks, and strengthening of collaboration among networks.
- xvi) *Invite* relevant International Plant Genetic Resources Networks to continue to be involved in the implementation of the Treaty and all relevant processes;
- xvii) *Request* the Secretary to coordinate with the Secretary of the Commission to ensure that their respective activities in collaboration with the relevant networks maintain coherence and efficiency, and do not duplicate each other;
- xviii) *Further request* the Secretary to cooperate with the Secretary of the Commission in facilitating the involvement of International Plant Genetic Resources Networks, when necessary or relevant in the implementation of the Treaty, including through joint activities and programmes, technical support and capacity building;

Genebank Standards

- xix) *Invite* the Commission on Genetic Resources for Food and Agriculture to commence and coordinate the process for the revision of the Genebank Standards, in collaboration with the International Agricultural Research Centres, the Global Crop Diversity Trust and other relevant organizations, taking into account relevant ongoing work and initiatives;
- xx) *Request* its Bureau to coordinate with the Bureau of the Commission the agendas of the respective bodies for the purpose of discussing modalities for such revision and the ways and means for input of the Governing Body in the process;

International Code of Conduct for Plant Germplasm Collecting and Transfer

- xxi) *Invite* the Commission on Genetic Resources for Food and Agriculture to establish a process for the updating of the *Code of Conduct for Plant Germplasm Collecting and Transfer*, taking into account Article 12.3h of the Treaty, and express its willingness

to collaborate in this process,³⁶ and to provide a report on the progress of that process to the Governing Body at its Fourth Session;

The Global Information System on Plant Genetic Resources for Food and Agriculture

- xxii) *Recognize* FAO's World Information and Early Warning System (WIEWS), which is overseen by the Commission, as an element of the Global Information System envisaged under Article 17 of the Treaty, and *invite* the Commission to continue updating it as necessary;
- xxiii) *Request* the Secretary to continue to collaborate with FAO and other relevant stakeholders on information technologies to facilitate their contribution to the continuous development of the global information system in the context of Article 17 of the Treaty, in order to promote greater access to relevant information and information systems by Contracting Parties and other relevant stakeholders;

Other policy issues related to the specificity of plant genetic resources for food and agriculture or their uses

- xxiv) *Note* the major outputs and milestones that the Commission has adopted in the context of its Multi-year Programme of Work, including its decision to consider access and benefit-sharing issues at its Twelfth Regular Session;
- xxv) *Invite* the Commission on Genetic Resources for Food and Agriculture, in the context of its Multi-year Programme of work, to collaborate and with the Governing Body so that issues related to the access and benefit sharing in plant genetic resources for food and agriculture may be dealt with in an integrated and harmonious manner, in order to ensure policy coherence, promote synergies and avoid duplication of efforts;
- xxvi) *Re-affirm* its willingness to continue cooperating with the Commission on Genetic Resources for Food and Agriculture in matters of common interest, especially in the context of its Multi-year Programme of Work, in order to ensure that the distinctive features and problems of the plant genetic resources sector in general are duly addressed;
- xxvii) *Request* its Bureau to coordinate the agendas of the respective bodies for the purpose, *inter alia*, of initiating, as appropriate, processes for consultations on the relevant issues related to plant genetic resources for food and agriculture;

Funding Strategy

- xxviii) *Invite* the Commission to continue monitoring progress made to develop the Facilitating Mechanism as necessary, and *encourage* Contracting Parties to take full advantage of the information made available through the Facilitating Mechanism;
- xxix) *Request* the Secretary to coordinate with the Secretary of the Commission to ensure that their respective activities of relevance to the Funding Strategy maintain coherence and efficiency, and avoid duplication of efforts;
- xxx) *Note* the development of the Funding Strategy for the *Global Plan of Action for Animal Genetic Resources* by the Commission, and *request* the Secretary to coordinate with the Secretary of the Commission, as appropriate, in order to maximize any synergies that may be available in the relevant practical aspects of the implementation of both Funding Strategies;

³⁶ See also, para 60 (x) of Document IT/GB-3/09/13, *Review of the Implementation of the Multilateral System*.

FAO Reform

- xxxi) *Invite* the Commission to coordinate with it in ensuring that adequate attention is given to genetic resources issues, and that genetic resources issues are appropriately integrated into the FAO Regular Programme, Mid Term Plan and Strategic Framework.

APPENDIX

Draft

JOINT STATEMENT OF INTENT FOR COOPERATION BETWEEN THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE AND THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Whereas the International Treaty on Plant Genetic Resources for Food and Agriculture (“the Treaty”) has as its objectives the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising from their use,

Whereas the Commission on Genetic Resources for Food and Agriculture (“the Commission”) is FAO’s inter-governmental statutory body addressing biodiversity for food and agriculture, with an internationally acknowledged competence in facilitating negotiations by governments of international instruments on aspects of biological diversity of relevance to food and agriculture,

Whereas the Commission facilitates and oversees cooperation between FAO and other international governmental and non-governmental bodies dealing with the conservation and sustainable use of genetic resources, and seeks to develop appropriate mechanisms for cooperation and coordination in consultation with them,

Whereas the Governing Body establishes and maintains cooperation with relevant international organizations and treaty bodies, on matters covered by the Treaty, including their participation in the funding strategy,

Whereas the Commission keeps under continuous review all matters relating to the policy, programmes and activities of FAO in the area of genetic resources of relevance to food and agriculture, including their conservation and sustainable use and the fair and equitable sharing of benefits derived from their utilization,

Whereas the Commission has developed and oversees a Global System on Plant Genetic Resources that includes a number of supporting components of the Treaty, in particular *The State of the World’s Plant Genetic Resources for Food and Agriculture* and the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*,

Whereas the Treaty provides for a funding strategy for priority activities, plans and programmes, in particular in developing countries and countries with economies in transition, taking into account the *Global Plan of Action*,

Whereas the Treaty provides that Contracting Parties shall cooperate with the Commission in its periodic reassessment of the state of the world’s plant genetic resources for food and agriculture in order to facilitate the updating of the *Global Plan of Action*,

Whereas the Treaty provides that sessions of its Governing Body shall, as far as possible, be held back-to-back with regular sessions of the Commission,

The Governing Body of the Treaty [and the Commission]³⁷ intend[s] to cooperate as follows:

1. The Chairs of the one body will be invited to participate in sessions of the other body, when matters of common interest are being considered.
2. The Chairs of either body may request an item to be put on the draft provisional agenda of the other body.
3. The Chairs and, as necessary, the Bureau of the two bodies will maintain contact between sessions, in order to promote synergy in the implementation of the programmes of work of the two bodies. By mutual agreement, the Bureau may meet jointly to address matters of common interest.
4. The Secretary of the Commission will report regularly to sessions of the Treaty on the implementation of relevant components of the Commission's Multi-year Programme of Work, in particular regarding the supporting components of the Treaty that are under its aegis, including *The State of the World's Plant Genetic Resources for Food and Agriculture* and the *Global Plan of Action*.
5. Recognizing the importance that the Treaty gives to the *Global Plan of Action*, in the development and implementation of the Treaty's funding strategy, the Commission will consider comments, suggestions or requests from the Governing Body in relation to the updating and to the implementation of the *Global Plan of Action*.

The Secretariats of the Governing Body of the Treaty [and the Commission] will cooperate as follows:

1. The Secretariats will meet regularly, in order to keep each other informed of relevant developments, to seek synergy and efficiency, and to promote coherence in the development and implementation of their respective programmes of work.
2. They will cooperate, as appropriate, in the preparation and management of meetings of the Commission and the Treaty.
3. They will consult each other in the development of relevant documents for meetings of their respective bodies, and any subsidiary processes.
4. Where relevant, they will coordinate fund-raising activities, and may develop joint projects and jointly seek donor support, as appropriate, including in the context of the Treaty's funding strategy.
5. They will endeavour to coordinate their participation in meetings of relevant international processes and bodies, such as in the Convention on Biological Diversity, the World Intellectual Property Organization and the World Trade Organization.

³⁷ Following acceptance of this draft joint statement by the Commission, the brackets in this text will be deleted